

1 PHILLIP A. TALBERT  
United States Attorney  
2 ERIC CHANG  
3 ROBIN TUBESING  
Assistant United States Attorneys  
4 501 I Street, Suite 10-100  
Sacramento, CA 95814  
5 Telephone: (916) 554-2700  
6 Facsimile: (916) 554-2900  
7 Attorneys for the United States of America

8  
9 IN THE UNITED STATES DISTRICT COURT  
10 EASTERN DISTRICT OF CALIFORNIA

11  
12 UNITED STATES OF AMERICA,  
13  
14 Plaintiff,  
15  
16 v.

CASE NO. 2:24MC00163 KJM AC

**STIPULATION RE: WRIT OF CONTINUING  
GARNISHMENT; [~~PROPOSED~~] FINAL  
GARNISHMENT ORDER**

17 CHOON FOO YONG,  
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19 Debtor.

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NATIONWIDE FINANCIAL,  
Garnishee.

22 The United States of America and debtor Choon Foo Yong and debtor's spouse, Doris Oilin  
23 Yong (collectively, the Parties) hereby stipulate to the final resolution of this continuing garnishment  
24 action as follows:

**RECITALS**

26 1. On April 15, 2024, the United States filed an Application for Writ of Continuing  
27 Garnishment of property located at garnishee Nationwide Financial, in which Choon Foo Yong has an  
28 interest. ECF No. 1.

2. The Yongs acknowledge and understand that the Federal Debt Collection Procedures Act (“FDCPA”) affords them certain rights in a garnishment action. They waive these rights, including service of the writ of garnishment pursuant to 28 U.S.C. § 3205(c)(3); notice of and the right to claim exemptions and request a hearing as provided in 28 U.S.C. §§ 3202 and 3205(c)(5); and to any other process to which they may be entitled under the FDCPA.

3. The United States seeks to garnish \$1,095,635.55 to satisfy Choon Foo Yong’s outstanding restitution balance. *Id.* This amount includes a judgment amount of \$996,032.55, plus a statutorily authorized litigation surcharge of \$99,603.00 pursuant to 28 U.S.C. § 3001(a). *Id.*

4. On March 24, 2024, the United States filed a separate Application for Writ of Continuing Garnishment of property located at garnishee Citibank, N.A., in which Choon Foo Yong has an interest. *United States v. Yong*, Case No. 2:24-MC-00131-KJM-AC, ECF No. 1. The Parties have reached an agreement to resolve that garnishment action whereby the garnishee, Citibank, N.A., will turn over \$29,474.65 to the Clerk of the Court, to be applied towards Choon Foo Yong’s restitution debt, leaving an outstanding restitution balance of \$966,557.90 due.

5. Garnishee has not yet filed an answer to this action, but it has informed the United States that Choon Foo Yong and his spouse have accounts administered by the garnishee with an approximate balance of \$1,400,000.00.

6. The Parties have agreed to resolve this garnishment action as set forth below.

### **STIPULATION**

The Parties hereby stipulate and agree as follows:

A. The Parties consent to entry of an order approving this Stipulation by a United States Magistrate Judge;

B. That garnishee, Nationwide Financial, should be ordered to turn over \$966,557.90 within 14 days of approval of this stipulation;

C. In exchange for the full payment of restitution through the two garnishment actions, the United States agrees to waive the litigation surcharge of \$99,603.00 sought by this garnishment action;

D. That upon verification of receipt of the funds by the clerk of the court, the United

States will immediately move to terminate the writ and release all remaining funds held pursuant to this writ.

Respectfully submitted,

PHILLIP A. TALBERT  
United States Attorney

Date: \_\_\_\_\_

By: \_\_\_\_\_

ERIC CHANG  
Assistant United States Attorney

Dated: \_\_\_\_\_

By: \_\_\_\_\_

CHOON FOO YONG  
Debtor

Dated: \_\_\_\_\_

By: \_\_\_\_\_

DORIS OILIN YONG  
Debtor's Spouse

Dated: \_\_\_\_\_

By: \_\_\_\_\_

THOMAS A. JOHNSON  
Counsel for Choon Foo Yong

**FINAL GARNISHMENT ORDER**

The Court, having reviewed its files and the Parties' Stipulation re Garnishment (the Stipulation), and good cause appearing therefrom,

IT IS HEREBY ORDERED that:

A. The Stipulation is APPROVED and the parties' request for a final garnishment order is GRANTED;

B. Garnishee Nationwide Financial is ordered to turn over \$966,557.90 within 14

1 days of approval of this stipulation. Payment shall be made in the form of a check, money order, or  
2 company draft, made payable to the "Clerk of the Court," and delivered to:

3 Office of the Clerk  
4 501 I St., Rm. 4-200  
5 Sacramento, CA 95814

6 The criminal docket number (2:22CR00053 KJM) shall be stated on the payment instrument;


7 C. Upon verification of receipt of the funds by the clerk of the court, the United  
8 States will immediately move to terminate the writ and release all remaining funds held pursuant to this  
9 writ;

10 D. Each party shall bear their own costs; and

11 E. The Court shall retain jurisdiction to resolve matters through ancillary  
12 proceedings in the case, if necessary.

13 IT IS SO ORDERED.

14 Dated: April 30, 2024

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16 ALLISON CLAIRE  
17 UNITED STATES MAGISTRATE JUDGE  
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